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FEB 17 2004

**OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Applicant: Amir	)	Art Unit: 2644
	)	
Serial No.: 09/757,012	)	Examiner: Chau
	)	
Filed: January 8, 2001	)	ARC9-2000-0093-US1
	)	
For: <b>SYSTEM AND METHOD FOR MICROPHONE</b>	)	February 14, 2004
<b>GAIN ADJUST BASED ON SPEAKER</b>	)	750 B STREET, Suite 3120
<b>ORIENTATION</b>	)	San Diego, CA 92101
	)	


**ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

In response to the restriction requirement dated February 11, 2004, alleging that claims 17-19 are patentably distinct from claims 1-16 and 20-29, Applicant elects Claims 1-16 and 20-29.

In the prior Office Action, the examiner rejected Claim 17 along with Claim 1 on the ground that Claim 17 is "essentially similar" to Claim 1. Which is it? Is Claim 17 essentially similar to Claim 1, or is it patentably distinct from Claim 1? Before embarking on another Office Action short of allowance, the examiner is urged to obtain supervisory guidance to help resolve his apparent bewilderment.

  
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